



**BOARD OF ADJUSTMENT
MARICOPA COUNTY**
Board of Supervisors' Auditorium
205 W. Jefferson Street
Phoenix, Arizona

AGENDA
Thursday, August 11, 2016

This meeting has been noticed in accordance with the Open Meeting Law (ARS §38-431).

All items on this agenda are for Board action unless otherwise noted. The Board may break for lunch at its discretion during this agenda. These items will be heard at the next available Board hearing if this hearing is cancelled or a quorum is lost.

Agendas are available within 24 hours of each meeting in the Maricopa County Planning & Development Office, 501 N. 44th St., 2nd Fl., Phoenix Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Auxiliary aids and services are available upon request to individuals with disabilities upon 72 hours advance notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. If you require accommodations in order to participate in any forthcoming meeting or hearing, please contact Darren Gerard at darrengerard@mail.maricopa.gov or 602-506-3301. TDD is available at 602-506-7140.

The staff reports prepared for each agenda item shall become a part of the permanent record for each case acted on at the Board meeting. Any material submitted as part of the record for a case will not be returned.

Public demonstrations of any kind by principals, witnesses, or spectators at any hearing before this Board, including cheering, booing, hand clapping, or the interruption of the hearing by voluntary remarks from the audience shall be strictly forbidden, and any person or persons who shall continue to participate in such conduct after having once been admonished for such conduct, shall be subject to being ejected from the hearing room by order of the Chairman.

Every witness shall fill out speaker's card and shall be limited up to a maximum of 10 minutes. Rebuttal by the applicant shall be limited up to a maximum of 5 minutes.

The Board of Adjustment is established, governed and limited by the provision of ARS §11-816. All Actions by the Board of Adjustment are final unless an appeal is filed with Superior Court within thirty (30) days of the Board's decision.

Results of the Board's action shall be available for the purpose of obtaining zoning clearances 24 hours after completion of the Board hearing.

Continuance Agenda: Items listed on the Continuance Agenda are items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time, but shall be moved for continuance either indefinitely or to a date-certain. Those items that are continued indefinitely will require new notification.

Consent Agenda: Items listed on the Consent Agenda are considered routine by the Board and may be enacted in one motion. Any item on the Consent Agenda may be removed from the Consent Agenda and placed on the Regular Agenda for public hearing if a Board member or a citizen so desires.

Code Compliance Review: Staff will present the appeal from the decision of a Hearing Officer to the Board. After any questions from the Board, the appellant will be permitted to present the basis for the appeal. On an appeal the Board is limited to affirming the decision of the hearing officer or remanding the matter due to a procedural error. Therefore, the presentation by the appellant should be limited to demonstrating a procedural error that warrants a remand for a new or supplemental hearing before the hearing officer.

Regular Agenda: Items listed on the Regular Agenda are items that receive a full hearing. Staff will give a brief presentation and after question from the Board, the applicant will be permitted to present the merits of their case. The applicant's justification should demonstrate that owing to peculiar conditions relating to the subject property, a strict interpretation of the ordinance would work an unnecessary hardship, and that granting of the variance would not damage the intent and purpose of the zoning ordinance.

Call To Order: 10:00 a.m.

Roll Call: Board of Adjustment Members

Announcements: The Chair shall make the normal meeting announcements.

Approval of Minutes:

Continuance Agenda:

1. BA2016021	Ehli Property	District 2
Applicant:	Steve Fuller	
Location:	44019 N. Cottonwood Canyon Rd. – in the Cave Creek area	
Zoning:	Rural-190	
Requests:	Variance to permit:	
	1) Proposed hillside disturbance per MCZO, Art. 1201.6.1.1	
	2) Proposed residence over height greater than the permitted 30' in the Rural-190 per MCZO, Art. 501.3.	
Recommendation:	Staff is requesting that the case be continued indefinitely . The applicant needs to provide revisions with additional information and an updated site plan.	
Presented by:	Eric R. Smith	

Consent Agenda:

2. BA2016025	Recreation Centers of Sun City West	District 4
Owner:	Recreation Centers of Sun City West	

Location: 14401 W. RH Johnson Blvd. – Stardust Blvd. and RH Johnson Blvd. in Sun City
Zoning: Rural-43
Requests: Variance to permit:
1) A proposed freestanding monument sign to be located zero (0) feet from the southwest property line where 20' is the minimum distance allowed per MCZO, Art. 1402.5.1.5; and
2) A proposed freestanding monument sign to be placed in a location that is not proximal to a driveway where proximity is required per MCZO, Art. 1402.5.1.4
Recommendation: Request **meets** the statutory tests required for the granting of a variance.
Presented by: Glenn Bak

3. BA2016026 Bowers Property District 4
Applicant: Jared Lineberger
Location: 14631 N. 75th Ave. – Greenway & 75th Ave., in the Peoria area
Zoning: Rural-43
Requests: Variance to permit:
1) A proposed front yard (west) setback of 51'-1" where 95' is the minimum required per MCZO, Art. 503.4.1.a, and;
2) A proposed side yard (south) setback of 16'-1" where 30' is the minimum required per MCZO, Art. 503. 4.2 in the Rural-43 zoning district.
Recommendation: Request **meets** the statutory tests required for the granting of a variance.
Presented by: Eric R. Smith

Code Compliance Review: None

Regular Agenda:

4. BA2016023 Jo's Place LLC (Cont. from 7/14/16) District 1
Applicant: AOW Management, LLC
Location: 935 E. Curry Road – Loop 202 & Scottsdale Rd. in the Tempe/Scottsdale area
Zoning: IND-2
Request: Variance to permit:
1) A proposed medical marijuana facility to be separated from an existing adult business of 193 feet where a minimum separation of 1,500 feet is required
Recommendation: Request **does not meet** the statutory tests required for the granting of a variance.
Presented by: Glenn Bak

Other Matters: None

Adjournment: The Chair shall adjourn the meeting.